

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY COPENHAGEN PRIORITY

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COPENHAGEN PLS PASS ASSISTANT SECRETARY DIXY LEE RAY

FOLLOWING REPEAT STATE 086464 ACTION EC BRUSSELS BONN
COPENHAGEN DUBLIN THE HAGUE LONDON LUXEMBOURG
PARIS ROME BRUSSELS IAEA VIENNA 16 APRIL.

QUOTE

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E.O. 11652: N/A

TAGS: TECH, ENRG, ETRD, AR, EEC

SUBJECT: LICENSES FOR NUCLEAR MATERIALS

REF: EC BRUSSELS 3268

1. ERNEST PREEG, DIRECTOR EUR/RPE, CALLED IN JEAN-PIERRE
LENG OF EC DEL, WASHINGTON, REGARDING
"SUSPENSION" OF
NUCLEAR EXPORTS BY NUCLEAR REGULATORY COMMISSION (NRC).
LENG WAS ACCOMPANIED BY MICHEL GOPPEL (EC DEL) AND JOSEPH
MARCHAL (EURATOM).

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2. WE MADE THE FOLLOWING POINTS:

--A. NUCLEAR REGULATORY COMMISSION (NRC) ACTION WAS
NOT REPEAT NOT AN EMBARGO BUT RATHER, AS DESCRIBED IN THE

MARCH 28 NRC PRESS RELEASE, DELAY "PENDING THE COMPLETION OF THE PRESENTLY ACTIVE REVIEW OF THE REGULATIONS AND THE PROCEDURES WHICH WOULD BE FOLLOWED BY NRC AND OTHER GOVERNMENT AGENCIES REGARDING LICENSING OF EXPORTS".

--B. IN VIEW OF INITIAL MISUNDERSTANDING IN THE PRESS, THE NRC PROVIDED FURTHER PRESS GUIDANCE ON APRIL 14 INDICATING THAT IT WAS THE INTENTION OF THE NRC COMMISSIONERS TO EXPEDITIOUSLY REVIEW AND, IF THE PROPOSED ACTIVITIES WERE NOT DETRIMENTAL TO US NATIONAL INTEREST, APPROVE THE ISSUANCE OF EXPORT LICENSES.

--C. REGARDING SHIPMENTS FOR WHICH EXPORT LICENSES ARE NEEDED THE NRC HAS INDICATED THAT THE REVIEW OF AT LEAST FIVE SUCH CASES IS PRESENTLY UNDERWAY; THREE OF THESE CASES CONCERN THE COMMUNITY.

--D. PROCEDURES ARE NOW UNDER REVIEW AND OUR EXPECTATION IS THAT AN EXECUTIVE ORDER WILL BE PUBLISHED IN THE NEAR FUTURE. WE WILL INFORM THE EC AND OTHER INTERESTED PARTIES OF THE ISSUANCE OF SUCH AN ORDER. ESTABLISHMENT OF PROCEDURES UNDER THE ORDER SHOULD MAKE IT UNNECESSARY FOR THE NRC COMMISSIONERS TO PERSONALLY REVIEW MOST EXPORT LICENSE APPLICATION, AND SHOULD RESULT IN SOME SHORTENING OF THE PRESENT INTERIM PROCEDURE.

--E. THE CHANGE IN REVIEW PROCEDURES, AS A CONSEQUENCE OF THE SPLITTING OF THE AEC INTO ERDA AND THE NRC, HAS CAUSED DELAY IN PROCESSING EXPORT LICENSES, ALTHOUGH TO THE BEST OF OUR KNOWLEDG THERE HAS BEEN NO HARDSHIP TO PROSPECTIVE CUSTOMERS. IN THIS CONTEXT, THE NRC DID NOT FEEL IT NECESSARY TO ENTER INTO PRIOR CONSULTATION WITH THE EC. HOWEVER, WE REGRET ANY MISUNDERSTANDING OR UNCERTAINTIES THE PRESS RELEASE MAY HAVE CREATED. SINCE MARCH 28 NRC PRESS RELEASE, WE HAVE BEEN KEEPING THE EC DELEGATION IN WASHINGTON INFORMED OF DEVELOPMENTS, AND DEPUTY CHIEF OF DLEGATION HEIDENREICH HAD CONVERSATIONS LIMITED OFFICIAL USE
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WITH ASSISTANT SECRETARIES HARTMAN AND RAY JUST PRIOR TO HEIDENREICH'S RETURN TO EUROPE JOOOUT TWO WEEKS AGO.

--F. IN THE EC AIDE MEMOIRE, THE COMMISSION "DEEMS IT NECESSARY THAT TALKS BE HELD WITHOUT DELAY BETWEEN THE COMMUNITY AND THE UNITED STATES." IN LIGHT OF THE INTERNAL REVIEW OF USG PROCEDURES DESCRIBED ABOVE HOWEVER, WE WOULD SUGGEST THAT THE QUESTION OF FORMAL CONSULTATION BE DELAYED FOR ABOUT 10 DAYS TO TWO WEEKS IN THE HOPE THAT A SATISFACTORY SET OF PROCEDURES CAN BE DEVELOPED IN THE INTERIM.

3. EC DEL WAS GIVEN COPY OF NRC PRESS RELEASE DATED
APRIL 15. BEGIN TEXT:

-- THE NUCLEAR REGULATORY COMMISSION HAS NOTED SEVERAL
RECENT STORIES CARRIED IN THE PRESS IN THE UNITED STATES
AND ABROAD WHICH HAVE STATED OR IMPLIED THAT THE NRC HAS
PLACED A BAN ON EXPORTS OF NUCLEAR MATERIAL. THE
THRUST OF THESE STORIES HAS BEEN THAT NUCLEAR FUEL
NEEDED FOR POWER AND RESEARCH REACTORS ABROAD, THE SUPPLY
OF WHICH THE U.S. HAD EARLIER AGREED TO ASSURE, HAS BEEN

CUT OFF. THE NRC CATEGORICALLY STATED TODAY THAT THERE HAS
BEEN NO BAN PLACED UPON SUCH SHIPMENTS BY THE NRC.

-- THE COMMISSION REITERATED ITS STATEMENTS OF MARCH 28
1975:

(INNER QUOTES) "PENDING THE COMPLETION OF THE PRESENTLY
ACTIVE REVIEW OF THE REGULATIONS AND PROCEDURES WHICH
SHOULD BE FOLLOWED BY NRC AND OTHER GOVERNMENT AGENCIES
REGARDING THE LICENSING OF EXPORTS, THE COMMISSIONERS
WILL REVIEW ALL EXPORT LICENSE APPLICATIONS INVOLVING
REACTORS OR SIGNIFICANT QUANTITIES OF SOURCE OR SPECIAL
NUCLEAR MATERIAL" (END INNER QUOTES)

-- THE COMMISSION IS WORKING TO COMPLETE THE REVIEW
OF ITS EXPORT LICENSE REGULATIONS AND PROCEDURES
WITHIN THE FRAMEWORK OF THE ENERGY REORGANIZATION
ACT. IN THE INTERIM, THE COMMISSIONERS WILL CONSIDER
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APPLICATIONS WHICH HAVE BEEN SUBMITTED ON AS TIMELY
A BASIS AS POSSIBLE. END TEXT.

4. EC DEL WAS ALSO GIVEN FOLLOWING PRESS GUIDANCE WHICH
WAS RELEASED BY NRC APRIL 14 REGARDING SPECIFIC LICENSES
UNDER CONSIDERATION: (BEGIN TEXT)

-- THE FOLLOWING APPLICATIONS FOR EXPORT LICENSES HAVE
BEEN SOMEWHAT DELAYED, BUT ARE CURRENTLY IN THE NRC
REVIEW PROCESS:

--1. TWO SHIPMENTS, TOTALING 986 KILOGRAMS OF LOW
ENRICHED URANIUM 235, SCHEDULED FOR JAPAN. THE COMMISS-
IONERS EXPECT TO ACT ON THIS APPLICATION SHORTLY.

--2. 1.1 MILLION POUNDS OF NATURAL URANIUM, ULTIMATELY
DESTINED FOR WEST GERMANY, WHICH WOULD GO FIRST TO THE
UNITED KINGDOM AND THEN TO THE SOVIET UNION FOR PROCESSING.
THE NRC IS AWAITING THE VIEW OF THE STATE DEPARTMENT BEFORE
ACTING ON THIS APPLICATION.

--3. THE EXPORT OF 23.859 KILOGRAMS
OF 93 ENRICHED U-235
DESTINED FOR FUEL FOR A RESEARCH AND TEST REACTOR IN SOUTH AFRICA.

--4. 22.2 KGS. OF 93 PERCENT ENRICHED U-235 FOR FUEL
FOR A MATERIALS TEST REACTOR IN DENMARK.

--5. A SHIPMENT OF 42 KILOGRAMS OF HIGHLY ENRICHED URANIUM
FOR WEST GERMANY.

-- AS THE NRC STATED ON MARCH 28, ALL EXPORT LICENSE
APPLICATIONS INVOLVING REACTORS OR SIGNIFICANT QUANTITIES
OF SOURCE OR SPECIAL NUCLEAR MATERIAL ARE BEING CONSIDERED
BY THE COMMISSIONERS WHILE A REVIEW OF REGULATIONS
AND PROCEDURES IS IN PROGRESS. (END TEXT).

5. EC DELS PROMISED TO TRANSMIT THIS INFO PROMPTLY TO
BRUSSELS. MARCHAL NOTED THAT TWO SHIPMENTS TO GERMANY
IN ADDITION TO THOSE LISTED IN PARA 4 WILL BE NEEDED IN
MAY AND JUNE RESPECTIVELY. ACCORDING TO MARCHAL, LETTER
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WILL BE SENT TO ERDA AND NRC STATING THIS CONCERN.

6. FRG EMBASSY (WIENDIECK) WAS ALSO BRIEFED SEPARATELY
ALONG SAME LINES.

7. POSTS SHOULD CONVEY SUBSTANCE PARA 2 AND TEXTS OF
PARAGRAPHS 3 AND 4 TO APPROPRIATE HOST GOVERNMENT OFFICIALS. KISSINGER
UNQUOTE

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